

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In re Application of	)	
	)	
<b>Letcher County Broadcasting, Inc.</b>	)	Facility ID No. 141969
	)	NAL/Acct. No. MB-202141410002
For Renewal of License for	)	FRN: 0000010967
FM Translator Station W278BK	)	File No. 0000117881
Jenkins, Kentucky	)	

**ORDER**

**Adopted: February 22, 2021**

**Released: February 22, 2021**

By the Chief, Audio Division, Media Bureau:

**I. INTRODUCTION**

1. The Media Bureau (Bureau) has before it a request to cancel a Notice of Apparent Liability (*NAL*)<sup>1</sup> issued to Letcher County Broadcasting, Inc. (Licensee), licensee of FM Translator Station W278BK, Jenkins, Kentucky (Station), for apparently willfully violating section 73.3539 of the Commission's rules (Rules) by failing to timely file a license renewal application for the Station. As discussed below, we cancel the forfeiture and instead admonish Licensee for the violation.

**II. BACKGROUND**

2. Section 73.3539(a) of the Rules requires that applications for renewal of license for broadcast stations must be filed "not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed."<sup>2</sup> An application for renewal of the Station's license should have been filed by April 1, 2020, the first day of the fourth full calendar month prior to the Station's license expiration date of August 1, 2020.<sup>3</sup> The application was not filed until July 16, 2020. The Licensee provided no explanation for its untimely filing of the application.

3. Accordingly, on February 5, 2021, we released the *NAL*, which proposed a forfeiture of one thousand five hundred dollars (\$1,500). The *NAL* gave the Licensee thirty days to pay the full amount of the proposed forfeiture or file a written statement seeking reduction or cancellation of the proposed forfeiture.<sup>4</sup>

4. On February 11, 2021, the Licensee submitted a written response in which it did not dispute that it had violated section 73.3539 of the Rules but requested that we cancel the proposed forfeiture based on the Licensee's inability to pay it.<sup>5</sup> The Response included copies of Licensee's federal tax returns for 2017, 2018, and 2019 in support of this request.

<sup>1</sup> *Letcher County Broadcasting, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 21-116 (MB Feb. 5, 2021).

<sup>2</sup> *Id.* § 73.3539(a).

<sup>3</sup> *Id.* §§ 73.1020, 73.3539(a).

<sup>4</sup> *NAL* at 3, para. 10.

<sup>5</sup> Response to Notice of Apparent Liability for Forfeiture of Letcher County Broadcasting, Inc. (dated Feb. 11, 2021) (Response).

### III. DISCUSSION

5. As noted in the *NAL*, the Commission will not consider reducing or canceling a forfeiture in response to claimed inability to pay unless the respondent submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the respondent's current financial status.<sup>6</sup> We accept Licensee's showing—based on its tax returns—that payment of the proposed forfeiture would create a financial hardship. Accordingly, we will cancel the proposed forfeiture. However, we admonish Licensee for its willful violation of section 73.3539 of the Rules.

### IV. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED** that, pursuant to section 504(b) of the Communications Act of 1934, as amended,<sup>7</sup> and sections 0.61, 0.283, and 1.80(f)(4) of the Commission's rules,<sup>8</sup> the Notice of Apparent Liability for a Forfeiture (NAL/Acct. No. MB-202141410002) issued to Letcher County Broadcasting, Inc., **IS CANCELLED** and that Letcher County Broadcasting, Inc., is instead **HEREBY ADMONISHED** for its violation of section 73.3539 of the Commission's rules.

7. **IT IS FURTHER ORDERED** that the application for renewal of license filed by Letcher County Broadcasting, Inc. for FM Translator Station W278BK, Jenkins, Kentucky (File No. 0000117881) **IS GRANTED**.

8. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class and Certified Mail, Return Receipt Requested, to GC Kincer, Letcher County Broadcasting, Inc., 486 Lakeside Drive, Jenkins, KY 41537, and to its counsel, Larry Perry, Esq., Larry Perry & Associates, 11464 Saga Lane, Suite 400, Knoxville, TN 37931.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

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<sup>6</sup> See *id.* at 4, para. 14.

<sup>7</sup> 47 U.S.C. § 504(b).

<sup>8</sup> 47 CFR §§ 0.61, 0.283, 1.80(f)(4).